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09/863,232	05/21/2001	Greg Arnold	PALM-3649.US.P	9948

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 October 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/17/2007 has been entered.

2.   Claims **1 - 24** are pending. Claims **1 - 3, 5 - 8, 10 - 14, 16 - 19, 21, 22, 24** have

been amended.   Independent Claims are **1, 12 and 21.**

Response to Arguments

3.   Applicant's arguments filed 10/17/2007 have been fully considered but they are

moot due to new grounds of rejection.

3.1   Applicant argues that the referenced prior art does not disclose, "device

accounting information". (see Remarks Page 9, 10, 11, 16, 19)

Multer discloses the management of accounting information.   (see Multer col. 17,

lines 15-20; col. 32, lines 14-17: accounting information updated and stored on server)

And, the Multer and Coppinger combination discloses a server for the registration,

storage, and management of accounting information for a particular wireless (mobile

computing) device including information designating a user for the particular device.

(see Coppinger paragraph [0059], lines 1-34; paragraph [0060], lines 1-7; paragraph

[0060], lines 21-29: wireless (mobile) device accounting information on a network

connected server)

3.2   Applicant argues that the referenced prior art does not disclose, "versioning". (see

Remarks Page 10)

Multer discloses versioning utilizing a version number per object. (see Multer col.

12, lines 10-12), and each application has an application object.   Multer discloses the

processing of application programs, its version information, and the capability to match

(i.e. synchronize) applications between systems (i.e. handheld devices). (see Multer

col. 12, lines 10-12; col. 15, lines 10-11; col. 15, lines 27-30: application information

processed)

3.3   Applicant argues that the referenced prior art does not disclose, "a token". (see

Remarks Pages 11, 22)

Multer does disclose the datapack which is a equivalent form to the token.   It is not

a requirement to disclose a token, when the prior art named entity, the datapack,

performs an equivalent function.   A token is defined as an entity to identify information.

A token causes the account information to be modified, and Multer's datapack causes

the particular accounting information and data on the handheld device or mobile

computing device to be modified. The Multer discloses a data package (datapack),

which is utilized to identify information. (see Multer col. 10, lines 26-31; col. 37, lines

62-65: data package, change information)

In addition, Multer's data pack is not a record of transactions that have already

been completed. The datapack is a series of transactions. There is no disclosure

within the prior art that the datapack is an after the fact entity.

3.4   Applicant argues that the referenced prior art does not disclose, "new information".

(see Remarks Page 12, 17, 18)

Multer discloses information that is new for a (i.e. first, second, and etc.) handheld

or mobile computing devices. Information is on a remote server and not in the handheld

device and therefore is new and can be downloaded. (see Multer col. 6, lines 4-12; col.

44, lines 48-54: information resides on server, information downloaded)

3.5   Applicant argues that the referenced prior art does not disclose, "obviousness".

(see Remarks Pages 13, 14)

3.6   Applicant argues that the referenced prior art does not disclose, "dependent

claims". (see Remarks Pages 21, 22, 24, 24)

Arguments for dependent claims are based upon above arguments for

independent claims 1, 12, 21. The successful responses to arguments for independent

claims 1, also successfully respond to the current arguments against the dependent

claims 2-11, 13-20, 22-24.

3.7   To teach away, a reference must criticize or discourage a particular embodiment

of an invention within a prior art. Multer does not criticize, discredit, or discourage the application of its user information to be utilized for a device. The Applicant Invention's accounting information maintained for the device can be application and application version information. *(see Specification Page 6, Lines 6-8)* The prior art accounting information maintained for the user can be application and application version information. (see Multer col. 8, lines 40-44) The information maintained for Applicant's invention and referenced prior art are equivalent.

Applicant is reminded that, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). (refer MPEP 2145.X.D.1)

There is no disclosure in Multer that discredits, discourages the usage of information on a device basis. If a single user for a single device, the accounting information for that one device is equivalent to Applicant's Invention. Accounting information is information about a particular entity, whether it is a user or a device. In this situation, there is no fundamental difference between a user or a device. The prior art's treatment of a user is equivalent to Applicant invention's treatment of a device.

The Multer prior art discloses the processing of application programs and the capability to match (i.e. synchronize) applications between systems (i.e. handheld devices). (see Multer col. 15, lines 10-11 ; col. 15, lines 27-30: application information

processed) Therefore, the rejection of claims 1-24 is proper and maintained herein.

3.4   The examiner has considered the applicant's remarks concerning a method and
system supporting web file sharing transactions between a networked handheld
computer system and a server, which contains account information for each registered
handheld indicating the applications (and versions) that it supports.   Applicant's
arguments have thus been fully analyzed and considered but they are not persuasive.

After an additional analysis of the applicant's invention, remarks, and a search of
the available prior art, it was determined that the current set of prior art consisting of
Multer (6,757,696) and Coppinger (20010046862) discloses the applicant's invention
including disclosures in Remarks dated October 17, 2007.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

5.   Claims **1 - 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over
Multer et al. (US Patent No. 6,757,696) in view of **Coppinger et al.** (US PGPUB No.
20010046862).

Regarding Claim 1, Multer discloses a method of transferring information comprising

the steps of:

b) <u>modifying</u> the account to identify an information that resides on the remote server but not on the second <u>mobile computing</u> device; (see Multer col. 17, lines 15-20; col. 32, lines 14-17: accounting information updated and stored on server)

Multer discloses wherein the remote server automatically determining, from the account that the information is new to the second handheld device and in response thereto for automatically downloading the information to the second mobile computing device. (see Multer col. 34, lines 23-29: user information updated (i.e. new information)) Multer does not specifically disclose the capability for a remote server, and accessing an account stored on the remote server the account reserved for a second mobile computing device,.

However, Coppinger discloses:

a) <u>at a remote server, responsive to a receiving signal from a first mobile computing device, accessing an account stored on the remote server, the account reserved for a second mobile computing device, the account describing information that is not stored in the second mobile computing device;</u> (see Coppinger paragraph [0059], lines 1-34; paragraph [0060], lines 1-7; paragraph [0060], lines 21-29: wireless (mobile computing) device accounting information on a network connected server)

c) <u>responsive to establishing a connection with the second mobile computing device.</u> (see Coppinger paragraph [0071], lines 28-37: communication

connection between server and other wireless (mobile computing) device)

It would have been obvious to one of ordinary skill in the art to modify Multer as taught by Coppinger to enable the capability for a remote server and accessing an account stored on the remote server plus establishing a connection with the second mobile computing device. One of ordinary skill in the art would have been motivated to employ the teachings of Coppinger in order to enable the additional and extended capability for the transfer over the wireless communication link and execution of transferred application programs on a handheld wireless device. (see Coppinger paragraph [0003], lines 7-13: " ... *Recently developed wireless devices permit a program to be transferred via the wireless link (e.g., downloaded) for storage in the memory and for execution as an application program. Such an application program may define unique displays for acquiring data input by the user and provide for transfer of resulting data via the wireless link (e.g., upload) to a conventional desktop computer. ... "*)

Regarding Claim 2, Multer discloses a method as described in Claim 1 further comprising the step of the remote server <u>receiving</u> a token identifying the information and the second <u>mobile computing device,</u> and wherein the token causes the account to be modified by the remote server. (see Multer col. 37, lines 62-65: data pack (i.e. token) used for information transfer utilized for update)

Regarding Claims 3, 14, Multer discloses a method, system as described in Claims 1,

12 wherein the first and the second <u>mobile computing</u> or the sender and the receiver

<u>mobile computing</u> are <u>portable electronic</u> computer systems. (see Multer col. 4, lines 27-

36: two devices (i.e. handheld devices) in communication)

Regarding Claims 4, 15, 23, Multer discloses a method, system as described in Claims

1, 12, 21 wherein the information is a version of an application program. (see Multer col.

12, lines 10-12; col. 12, lines 16-20; col. 13, lines 3-7: version information processed)

Regarding Claims 5, 16, 24, Multer discloses a method, system as described in Claims

4, 15, 21 wherein the account comprises an application version record table comprising

an entry for each application stored in the second <u>mobile computing</u> device and wherein

each entry comprises: an application identifier; a version identifier; and a user identifier.

(see Multer col. 38, lines 3-5 col. 38, lines 8-15; col. 38, lines 55-59: identifiers utilized to

designate contents within table entries)

Regarding Claim 6, Multer discloses a method as described in Claim 1 wherein the

step of automatically downloading the information to the second <u>mobile computing</u>

device, of step d), is performed only if the first <u>mobile computing</u> device has authority to

download to the second <u>mobile computing</u> device. (see Multer col. 33, lines 13-17; col.

34, lines 23-29; col. 5, lines 17-21: authentication for device based on account

information, download information)

Regarding Claims 7, 18, Multer discloses a method, system as described in Claims 6,

17 wherein the authority is established via an express grant of permission from the

second <u>mobile computing</u> device to the first <u>mobile computing</u> device. (see Multer col.

34, lines 16-19: authorization for device based on account information)

Regarding Claims 8, 19, Multer discloses a method, system as described in Claims 6,

17 wherein the authority is established via a user confirmation that is made in response

to a user message displayed on a display screen of the second <u>mobile computing</u>

device. (see Multer col. 12, lines 29-36; col. 32, lines 23-28: user interface)

Regarding Claims 9, 20, Multer discloses a method, system as described in Claims 1,

12 wherein the remote server is a web based server. (see Multer col. 31, lines 21-23:

web based (i.e. HTTP) server)

Regarding Claim 10, Multer disclose a method as described in Claim 1 wherein the

step d) is performed within a synchronization process between the remote server and

the second <u>mobile computing</u> device. (see Multer col. 7, lines 58-64; col. 14, lines 18-

19: synchronization process for information within server and handheld device)

Regarding Claim 11, Multer disclose a method as described in Claim 1 wherein the

step d) is performed within a synchronization process between a host computer system

and the second <u>mobile computing</u> device. (see Multer col. 7, lines 58-64; col. 14, lines

18-19: synchronization process for information in server and two devices (i.e. host

system and handheld device))

Regarding Claim 12, Multer discloses a system comprising:

a) a receiver <u>mobile computing</u> device; (see Multer col. 4, lines 25-36; col. 5, lines

17-21: receiver system (i.e. handheld device))

c) a sender <u>mobile computing</u> device for causing the account to be modified to

identify an information that resides on the remote server but not on the receiver

<u>mobile computing</u> device; (see Multer col. 33, lines 13-17: update information

within server system)

d) wherein the receiver <u>mobile computing</u> device is for establishing a connection

with the remote server; (see Multer col. 5, lines 10-17; col. 8, lines 16-19:

handheld device communicating through connection between server and

handheld device) and

Multer discloses wherein the remote server is for automatically determining,

from the account that the information is new to the receiver <u>mobile computing</u> device

and automatically for downloading the information to the receiver <u>mobile computing</u>

device. (see Multer col. 17, lines 15-20; col. 32, lines 14-17; col. 16, line 50: server

management system for accounting information; col. 34, lines 23-29: information

updated (i.e. new information)) Multer does not specifically disclose a remote server

containing an account reserved for the receiver mobile computing device which

describes a complement of information stored in the receiver mobile computing

device.

However, Coppinger discloses:

b) a remote server containing an account reserved for the receiver <u>mobile</u>

<u>computing</u> device which describes a complement of information stored in the

receiver <u>mobile computing</u> device; (see Coppinger paragraph [0059], lines 1-34;

paragraph [0060], lines 1-7; paragraph [0060], lines 21-29: wireless (mobile

computing) device accounting information on a network connected server)

It would have been obvious to one of ordinary skill in the art to modify Multer as

taught by Coppinger to enable the capability for a remote server containing an account

which describes a complement of information stored in the receiver mobile.   One of

ordinary skill in the art would have been motivated to employ the teachings of

Coppinger in order to enable the additional and extended capability for the transfer over

the wireless communication link and execution of transferred application programs on a

handheld wireless device. (see Coppinger paragraph [0003], lines 7-13)

Regarding Claim 13, Multer discloses a system as described in Claim 12 wherein the

sender <u>mobile computing</u> is for sending the remote server a token identifying both the

information and the receiver <u>mobile computing</u> and wherein the token causes the

remote server to modify the account. (see Multer col. 5, lines 17-21; col. 6, lines 16-20;

col. 37, lines 62-65: data pack (i.e. token) utilized to modify user information)

Regarding Claim 17, Multer discloses a system as described in Claim 12 wherein the

remote server is also for determining if the sender <u>mobile computing</u> device has

authority to download to the receiver <u>mobile computing</u> device as a precursor to

downloading the information to the receiver <u>mobile computing</u> device. (see Multer col. 4,

lines 25-36; col. 6, lines 16-20: authorization for device, download information to

device)

Regarding Claim 21, Multer discloses a system comprising:

    a) a receiver <u>mobile computing</u> computer; (see Multer col. 4, lines 25-36; col. 5,

        lines 17-21: receiver system (i.e. handheld device))

    c) a sender <u>mobile computing</u> computer for causing the account to be modified to

        identify an information that resides on the web based server but not on the

        receiver <u>mobile computing</u> computer; (see Multer col. 17, lines 15-20: update

        accounting information managed within management (i.e. web based)server)

    d) wherein the receiver <u>mobile computing</u> computer is for establishing a connection

        with the web based server; (see Multer col. 5, lines 10-17; col. 6, lines 16-20:

        handheld device communicating through connection between server and

        handheld device) and

    Multer discloses wherein the web based server automatically determines, from

the account, that the information is new to the receiver <u>mobile computing</u> computer,

also determines if the sender <u>mobile computing</u> computer has authority to download

to the receiver <u>mobile computing</u> computer, and, if so, automatically downloads the

information to the receiver handheld computer. (see Multer col. 34, lines 23-29:

update user information (i.e. new information)) Multer does specifically disclose the

capability for a web based server containing an account reserved for the receiver

mobile computing computer which describes a complement of information stored in

the receiver mobile computing computer.

However, Coppinger discloses:

b) a web based server containing an account reserved for the receiver mobile

computing computer which describes a complement of information stored in the

receiver mobile computing computer; (see Coppinger paragraph [0059], lines 1-

34; paragraph [0060], lines 1-7; paragraph [0060], lines 21-29: wireless (mobile

computing) device accounting information on a network connected server;

paragraph [0032], lines 8-13; paragraph [0035], lines 1-5: web server)

It would have been obvious to one of ordinary skill in the art to modify Multer as

taught by Coppinger to enable the capability for a web based server with an account

which describes a complement of information stored in the receiver mobile

computing computer.   One of ordinary skill in the art would have been motivated to

employ the teachings of Coppinger in order to enable the additional and extended

capability for the transfer over the wireless communication link and execution of

transferred application programs on a handheld wireless device. (see Coppinger

paragraph [0003], lines 7-13)

Regarding Claim 22, Multer discloses a system as described in Claim 21 wherein the

sender mobile computing is for sending the remote server a token identifying both the

information and the receiver <u>mobile computing</u> and wherein the token causes the web based server to modify the account. (see Multer col. 17, lines 15-20; col. 37, lines 62-65: data pack (i.e. token) used to manage accounting information within management server (i.e. remote server))

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
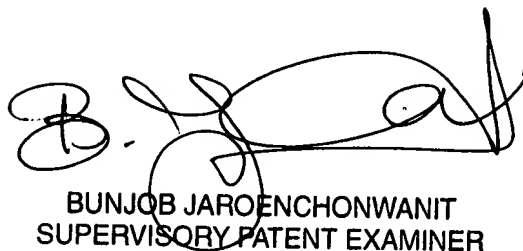
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December 26, 2007

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SUPERVISORY PATENT EXAMINER

1/7/8